



Austin City Council MINUTES

For MARCH 10, 1988 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Memorandum To:

Mayor Cooksey called to order the meeting of the Council, noting the presence of all Councilmembers.

MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, approved minutes for regular meeting of March 3, 1988 and special meetings of February 3, 1988 and March 1, 2, 4 & 5, 1988. (6-0 Vote, Councilmember Urdy out of the room)

CITIZEN COMMUNICATIONS

Mr. Edward Eldridge and Mr. David Smilek discussed funding for Skyline Treatment Center. They said they did not think the City should fund the program. Mayor Cooksey asked them to talk to staff to discuss their reasons.

AIRPORT ADVISORY BOARD

Ginny Ballard discussed the annual workplan for the Airport Advisory Board.

ZONING ORDINANCE

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, passed through second/third readings of an ordinance amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes:(5-0 Vote, Councilmembers Urdy and Shipman out of the room)

2900 MANOR ROAD, LTD.
By Richard Suttle
C14-85-128

2810-2820 Manor
Road
3301-3411 Randolph
Road

From "LO" & "GO"
to "GO"

First reading on July 31, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Development restricted to that shown on site plan attached as an exhibit to the ordinance.

Motion to reconsider on next page..

LATER IN THE DAY:Motion to Reconsider

Councilmember Carl-Mitchell made a motion to reconsider, seconded by Councilmember Humphrey because the zoning change was in error. Motion passed by a vote of 7-0. (Instead of "GO" it is "GR")

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through second/third readings of an ordinance amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (7-0 Vote)

2900 MANOR ROAD, LTD.
By Richard Suttle
C14-85-128

2810-2820 Manor
Road
3301-3411 Randolph
Road

From "LO" & "GO"
to "GR"

CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Councilmember Urdu out of the room)

Operating Budget Amendments

Amended the 1987-88 Annual Operating Budget by:

- a. Accepting and appropriating a grant award in the amount of \$20,000.00 from the U.S. Department of Interior, Urban Park and Recreation Recovery Program, to the City of Austin Parks and Recreation Department.
- b. Accepting and appropriating a grant award in the amount of \$800.00 from the Austin Community Foundation for the Capital Area to the City of Austin Parks and Recreation Department.

Employees Retirement System

Approved an amendment to the Employees Retirement System Ordinance No. 821118-G to permit additional options for disabled retirees.

Zoning Ordinance

Amended the following zoning ordinance to correct the legal description:

Ordinance No. 870312-C, Zoning Case No. C14-86-161, locally known as 1066-1900 MoPac Boulevard, 1000-1900 Capital Parkway Boulevard.

CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

Release of Easement

Authorized release of the following easement:

A portion of the Public Utility and Drainage Easement, retained in Ordinance 710311-C, recorded in Volume 4092, Page 320, Travis County Real Property Records; and release of a portion of the Public Utility, Drainage and Television Easement retained in Ordinance 850613-T, recorded in Volume 9265, Page 905, Travis County Real Property Records, located on Block 119, Original City of Austin, retained at the vacation of East 10th Street Alley, 500 Block. (Request submitted by Bruce Hineman)

Capital Improvements Program

Authorized the filing of eminent domain proceedings to acquire:

- a. Two tracts of land containing 0.625 acre (27,230 square feet) in fee simple out of the George W. Davis Survey No. 15 in Travis County, Texas, owned by Harry Peterson for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- b. 7,290 square feet of land in fee simple out of the James P. Wallace Survey No. 18 in Travis County, Texas, owned by R.A. Hart and wife Emalee Hart for the U.S. Highway 183 Improvement Project. C.I.P. No. 85/62-01
- c. 40,281 feet of land in fee simple out of that certain Lot 1B, Resubdivision Lot of 1, Dale Watkins Subdivision in the City of Austin, Travis County, Texas, owned by George K. Nicolopoulos and wife Marian Nicolopoulos for the U.S. 290 West/SH 71 Expansion Project. C.I.P. No. 85/62-02
- d. 0.695 acres of land in fee simple out of one acre (30,260 square feet) out of a part of a 10.21 acre tract in the James P. Wallace Survey No. 18 and the George W. Davis Survey No. 15, Travis County, Texas, owned by Murray Property Investors, Ltd. for the U.S. Highway 183 Improvement Project. C.I.P. No. 85/62-01.
- e. 0.279 acre (12,164 square feet) of land in fee simple out of the George W. Davis Survey No. 15 in Travis County, Texas, owned by Michael R. Macari, Nancy Dill Standefur, Edward Joe Dill, Jr., Sallie Ann Dill and Mary Alice DeWitt for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-02

- f. 0.056 acres of land in fee simple out of the George W. Davis Survey No. 15, Travis County, Texas, owned by Provident National Assurance Company for the U.S. Highway 183 Improvement Project. C.I.P. No. 85/62-01.

Item Pulled Off

Pulled from the agenda is authorization of filing eminent domain proceedings to acquire the following:

0.003 acre (143 square feet) of land in fee simple out of the George W. Davis Survey No. 15 in Travis County, Texas, owned by Southern Pacific Transportation Company for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01.

Change Order

Approved the following change order:

- a. In the amount of \$157,476.28 to Garney Companies, Inc. for the South IH-35 Transmission Main Contract. (7.59% increase of the original contract amount of \$2,075,421.80 - Total change orders to date equal to 13.31%)

Contracts Approved

Approved the following contracts:

- | | |
|---|---|
| a. POWER SUPPLY OF AUSTIN, INC.
P.O. Box 9908
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Single Conductor 600 Volt Power
Cable, Electric Utility Department
Total \$35,712.00 C.I.P. No.
86/12-02 |
| b. SUMMERS ELECTRIC COMPANY
3910 Industrial Drive,
Suite 100
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Galvanized Steel Light Poles,
Parks and Recreation Department
Total \$67,690.00 C.I.P. No.
75/86-56 |

Llano to Giddings Railroad Right-of-Way

Approved an Interlocal Agreement between the University of Texas at Austin, Capital Metropolitan Transportation Authority and the City of Austin regarding a study for alternative management strategies for the Llano to Giddings Right-of-Way.

Coal for Fayette Power Project

Approved entering jointly with Lower Colorado River Authority into a one year contract with the Western Rail Properties Inc./Union Pacific Railroad/Missouri Pacific Railroad/Missouri-Kansas-Texas Railroad for delivery of coal to the Fayette Power Project in the

total estimated amount of \$37,721,805.00 for the Electric Utility Department.

Acceptance of Grants

Authorized submission for and acceptance of the following grants from:

- a. The Texas Commission on the Arts in the amount of \$1,176.00 for George Washington Carver Museum to participate in the Southwest Alternative Media Project's 1989 Film/Video Tour.
- b. The Texas Commission on the Arts in the amount of \$50,000.00 to be used to assist local minority arts organizations in raising their managerial expertise and fundraising abilities.
- c. The Texas Commission on the Arts in the amount of \$8,725.00 to support the Arts in Education Program at the Dougherty Cultural Arts Center.
- d. The Texas Commission on the Arts for financial assistance in the amount of \$17,500.00 to support a marketing and promotional package for an alternative arts space in downtown Austin.
- e. The Moody Foundation for \$20,000.00 to provide support in the development of an Oak Wilt Detection kit.

Grant Applications

Authorized submission of the following grant applications to the State of Texas, Governor's Office, Criminal Justice Division:

- a. In the amount of \$16,208.00 for the purpose of providing continued funds for the Juvenile Delinquency Prevention through Crisis Intervention Program of the Austin Police Department.
- b. In the amount of \$160,379.00 for the purpose of providing continued funding for the Victim Assistance Program of the Austin Police Department.
- c. In the amount of \$138,441.00 for the purpose of providing continued funding for the Community Crime Prevention Program of the Austin Police Department.
- d. In the amount of \$153,870.00 for the purpose of providing continued funding for the Property Crime Sting Program of the Austin Police Department.
- e. In the amount of \$229,590.00 for the purpose of providing continued funding for the Greater Austin Area Organized Crime Control Unit of the Austin Police Department.

Chronically Ill and Disabled Children

Approved a grant application for \$90,000.00 to the Texas Department of Health, Crippled Children's Services Bureau to fund case management services at Brackenridge Hospital for chronically ill and disabled children.

Restrictive Covenant Amended

Amended the restrictive covenant for Zoning Case No. C14-86-161, locally known as 2625-2701 Bee Caves Road, 1066-1900 MoPac Boulevard, and 1000-1900 Capital Parkway Boulevard.

Community Facilities Agreement

Approved a Community Facilities Agreement with A.M.D. and Home Savings for the extension of Oltorf. C.I.P. No. 85/62-24.

ZONING ORDINANCES

The Council, on Councilmember Humphrey's motion, Mayor Cooksey's second, passed through third reading of an ordinance amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (4-2-0 Vote, Councilmembers Carl-Mitchell and Nofziger voted No, Mayor Pro Tem Trevino abstained)

BURNET ROAD LAND	12650 Burnet Road	From "SF-6"
JOINT VENTURE		to "LO"
C14r-84-443		

Second reading on March 3, 1987, (4-2). Councilmembers Carl-Mitchell and Nofziger voted "NO". Mayor Pro Tem Trevino was absent. Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Development restricted to that shown on site plan attached as an exhibit to the ordinance.

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, passed through SECOND READING ONLY of an ordinance amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (7-0 Vote)

STANLEY CASKEY	6703 Manor Road	From "I-SF-3"
C14-83-253		to "MF-3"

For second reading only. First reading on January 30, 1988, (7-0).
Conditions have not been met.

NO ACTION TAKEN

No action was taken to approve a contract with Priester-Mell & Nicholson, Inc. for transmission line conductor for Electric Utility Department. Total \$127,776.10. C.I.P. No. 85/13-07.

THE CONLEY - GUERRERO SENIOR ACTIVITY CENTER.

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, adopted a resolution naming the Senior Activity Center - East "The Conley - Guerrero Senior Activity Center". (7-0 Vote)

CAPITAL IMPROVEMENTS PROGRAM BUDGET AMENDMENTS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending the Capital Improvements Program Budget by transferring \$300,000.00 from the Bluff Springs Transmission Main II Project to the South IH-35 Transmission Main Project (1984). C.I.P. No. 85/22-64. (7-0 Vote)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending the Capital Improvements Program Budget by abandonment of the expansion of living quarters at EMS #6, addition of the expansion of living quarters at EMS #2, and the transfer of funds in the amount of \$70,805.00 from EMS #6 to EMS #2, (6601 Manchaca). (6-0 Councilmember Shipman out of the room)

ITEM WITHDRAWN

Withdrawn from the agenda was a resolution concerning a vacancy on the Planning Commission resulting from the election of Beatriz De La Garza to the Austin Independent School District Board of Trustees.

CONTRACTS POSTPONED

Postponed to March 15 and March 17, 1988 is consideration of contracts for twenty-two trucks, vans and utility vehicles for the General Services Department; and consideration of six sedans for the General Services Department.

PRIVATE SEWAGE FACILITIES ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, passed through second/third readings of the following ordinances: (6-0 Vote, Mayor Pro Tem Trevino out of the room)

- a. Amending Chapter 6-10 of the Code of the City of Austin, 1981, by establishing Chapter 6-10A, adopting the Texas Department of Health's Construction Standards for Private Sewage Facilities, 1977, edition, with local amendments, and an amendment by Mayor Cooksey.

- b. Amending Chapter 6-10 of the Code of the City of Austin, 1981; relating to the regulation of private sewage facilities, and an amendment by Mayor Cooksey.

RECESS

Council recessed from 3:48 to 4:00 P.M. for the Austin Housing Finance Corporation meeting.

EXECUTIVE SESSION

Mayor Cooksey announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

1. Pending Litigation - Section 2, Paragraph e
 - (a) City of Austin v. Houston Lighting and Power
 - (b) City of Austin v. East Austin Chicano Economic Development Corporation
 - (c) Vescovo v. City
2. Contemplated Litigation - Section 2, Paragraph e
 - (a) Fuel issues
3. Personnel Matters - Section 2, Paragraph g
 - (a) City Manager Search
 - (b) Appointment of Relief Judges
 - (c) Municipal Court Clerk

RECESS

Council recessed its meeting from 4:00 to 6:50 p.m. for executive session.

ELECTION CALLED

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance calling an election for May 7, 1988. (7-0 Vote)

POLICE DEPARTMENT SHORTFALL

Council considered options to address projected shortfall in the Police Department's 1987-88 operating budget. Councilmember Shipman made a motion, which received no second, to accept recommendation on shortfall and retain \$375,000 for the cadet class and roll it into the overall containment cost for the whole City. After discussion, the following motion was made:

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor Cooksey's second, waived the requirement for three readings and finally passed an ordinance amending the 1987-88 Operating Budget by deleting the next cadet class from the Police Department's budget. (6-1 Vote, Councilmember Shipman voted No.)

NO ACTION TAKEN ON ITEMS

No action was taken on the City Manager Search, and the report on Gilbane Update of the Civic Center Project was presented at the March 8, 1988 Council meeting.

Postponed to March 17, 1988 is the following:

Consider all matters incident and related to the approval and execution of a settlement agreement with Houston Lighting and Power Company, including the passage of an ordinance to: (1) Approve and authorize the City of Austin to enter into various agreements with HL&P regarding the settlement of various lawsuits between the City of Austin and HL&P, including a Settlement Agreement, an Ownership and Operating Agreement for the Limestone Electric Generating Station, and related release, conveyancing, and option agreements, and (2) make certain findings on the part of the City Council in connection with the disposition of the City of Austin's interest in the South Texas Nuclear Project in exchange for interests in the Limestone Electric Generating Station.

ITEM POSTPONED

Postponed to March 17, 1988 for action is transportation of hazardous materials policy.

BRUSHY CREEK REGIONAL WASTEWATER PLANTMotion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, adopted the following resolution: (5-0 Vote, Councilmembers Shipman and Urdy out of the room)

WHEREAS, the Austin City Council has on several occasions voted to participate in the Brushy Creek Regional Treatment Plant;

WHEREAS, it is the intent of the City of Austin to participate in the Brushy Creek Regional Wastewater system with the City of Round Rock. It is Austin's desire to serve prospective customers in the area through the regional facility as quickly as is feasible;

WHEREAS, the City of Austin is currently experiencing significant cash flow constraints in its utility systems. The City Council urges the Technical Review Committee to examine every reasonable alternative service strategy which could result in deferral of costs associated with the project. It is understood that long term costs of servicing the area could be increased by pursuing such alternatives;

WHEREAS, the Water and Wastewater Commission has requested the opportunity to examine the cost-effectiveness of the Wastewater Disposal Contract between Brushy Creek Water Control Improvement District No. 1, and Williamson, Milam County, the City of Austin, and the City of Round Rock;

THEREFORE BE IT RESOLVED that the said wastewater disposal contract shall be scheduled for action by the Austin City Council on Thursday, March 24, 1988.

ELECTRIC UTILITY AUDIT RFP

Listed on the March 8, 1988 Special Called Meeting Agenda was a City Manager Report on the Electric Utility. Under that listing were City Manager Reports, Resolutions and an Ordinance.

Councilmember Shipman asked Council to discuss the Electric Utility Audit RFP. After discussion the following motion was made:

Motion

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, approved an RFP for an Electric Utility Audit, with an addendum to Phase III of the suggested RFP. (5-0 Vote, Councilmembers Urdy and Humphrey out of the room)

FOOD PROTECTION PROGRAM

Mayor Cooksey introduced an item to Council to consider appointing a task force to facilitate communication between the Health Department and restaurant owners and to analyze the strengths and weaknesses of the Food Protection Program. The following motion was made:

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution as follows: (6-0 Vote, Councilmember Urdy out of the room)

WHEREAS, there are 1,592 restaurants in Austin, and

WHEREAS, Austin area restaurants employ 21,768 people and contributed approximately \$275,588,129 To The Austin economy in 1987, and,

WHEREAS, restaurants are part of what makes Austin unique, and,

WHEREAS, Public confidence in Austin restaurants requires appropriate protection from unsafe and unsanitary conditions, and,

WHEREAS, the Austin-Travis County Health Department and the restaurant community have had differences in opinion over both the content and enforcement of health, building, and other city standards,

BE IT RESOLVED BY THE City Council of the City of Austin:

That the Mayor appoint a task force of 7 members to examine whether health, building, and other city standards relating to restaurants are uniform, fair, and understandable, and to examine whether these standards are being enforced in a fair and equitable manner. That the task force shall meet at scheduled public meetings called for by the chair who is appointed by the Mayor. The first meeting of the task force shall be called by the Mayor and shall take place on or before 3-31-88, and the task force shall complete its examination by 5-30-88. The task force shall present a report and recommendations to the City Council no later than June 9, 1988.

ITEM POSTPONED

Postponed to March 17, 1988 is consideration of an Affordable Housing Policy as introduced by Mayor Cooksey.

SIGN ORDINANCE

Councilmember Carl-Mitchell introduced discussion of the Sign Ordinance. Recommendations will be brought to Council on March 24, 1988.

EXTENSION OF AMNESTY DEADLINE FOR ALIENS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Humphrey's second, adopted a resolution encouraging the United States Government to extend the amnesty deadline for aliens.
(7-0 Vote)

ADJOURNMENT - Council adjourned its meeting at 9:29 p.m.